STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 490 By: Maddox

AS INTRODUCED

An Act relating to crimes and schools; amending 21 O.S. 1991, Section 6-113, as amended by Section 1, Chapter 241, O.S.L. 1995, and as renumbered by Section 3, Chapter 241, O.S.L. 1995 (21 O.S. Supp. 1998, Section 650.7), which relates to assault and battery on school employees and students; modifying elements of certain offense; making assault and assault and battery upon certain school employees and students a felony; deleting misdemeanor punishment for certain offenses; providing punishment for certain felony offenses; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1991, Section 6-113, as amended by Section 1, Chapter 241, O.S.L. 1995, and as renumbered by Section 3, Chapter 241, O.S.L. 1995 (21 O.S. Supp. 1998, Section 650.7), is amended to read as follows:

Section 650.7 A. As used in this section~~:~~,

~~1.~~ "~~School~~ school employee" shall mean any duly appointed person employed by or employees of a firm contracting with a school system for any purpose, including any personnel not directly related to the teaching process and school board members during school board meetings.

B. Any person who, without justifiable or excusable cause ~~and with intent to do bodily harm~~, commits any assault~~, battery, or assault and battery~~ upon the person of a school employee while such employee is in the performance of any duties as a school employee or upon any student while such student is participating in any school activity or attending classes on school property during school hours

shall, upon conviction, be guilty of a misdemeanor. The convicted person shall be punished by a term of imprisonment in the county jail for a period not exceeding six (6) months, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

C. Any person who, without justifiable or excusable cause, and with intent to do bodily harm, commits any battery, assault and battery, or aggravated assault and battery upon the person of a school employee while such employee is in the performance of any duties as a school employee or upon any student while such student is participating in any school activity or attending classes on school property during school hours shall, upon conviction, be guilty of a ~~misdemeanor~~ felony. The convicted person shall be punished by a term of imprisonment in the ~~county jail~~ State Penitentiary for a period not exceeding ~~one (1) year~~ two (2) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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